

Message Text

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ACTION L-03

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UNCLAS VIENNA 07006

E.O. 11652: N/A
TAGS: PFOR, UN
SUBJECT: UN CONFERENCE ON SUCCESSION OF STATES IN RESPECT
OF TREATIES

1. FRG HAS INTRODUCED A NEW ARTICLE 36 BIS AS FOLLOWS:

QUOTE 1. WHEN UNDER ARTICLES 30, 31, 33 AND 35 A TREATY
CONTINUES IN FORCE FOR A SUCCESSOR STATE OR A SUCCESSOR
STATE PARTICIPATES OTHERWISE IN A TREATY NOT YET IN
FORCE FOR THE PREDECESSOR STATE, THE SUCCESSOR STATE SHALL
BE CONSIDERED AS MAINTAINING (A) ANY RESERVATION TO THAT
TREATY MADE BY THE PREDECESSOR STATE IN REGARD TO THE
TERRITORY TO WHICH THE SUCCESSION OF STATES RELATES;
(B) THE CONSENT OF THE PREDECESSOR STATE EXPRESSED, IN
CONFORMITY WITH THE TREATY, TO BE BOUND BY PART OF
THE TREATY; (C) THE CHOICE FO THE PREDECESSOR STATE MADE,
IN CONFORMITY WITH THAT TREATY, BETWEEN DIFFERING
PROVISIONS IN THE APPLICATION OF THE TREATY; 2. NOT-
WITHSTANDING PARAGRAPH 1, THE SUCCESSOR STATE MAY HOWEVER:
(A) WITHDRAW OR MODIFY , WHOLLY OR PARTLY, THE RESERVATION
(PARAGRAPH 1 SUBPARAGRAPH (A) OR FORMULATE A NEW RESER-
VATION, SUBJECT TO THE CONDITIONS LAID DOWN IN THE TREATY
AND THE RULES SET OUT IN ARTICLES 19, 20, 21, 22 AND 23
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OF THE VIENNA CONVENTION ON THE LAW OF TREATIES;(B)
WITHDRAW OR MODIFY THE CONSENT TO BE BOUND BY PART OF
THE TREATY (PARAGRAPH 1 SUBPARAGRAPH (B)); (C) ALTER
THE CHOICE MADE BETWEEN DIFFERING PROVISIONS IN THE
APPLICATION OF THE TREATY (PARAGRAPH 1 SUBPARAGRAPH (C)).
UNQUOTE

2. THIS PARALLELS ARTICLES 19 AND 20, ADOPTED AT 1977
SESSION. WOULD APPRECIATE DEPARTMENT VIEWS. WOLF

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